



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Hearing Program

Docket No. 458

Tuesday, July 14, 2015

11:00 a.m.

Connecticut Siting Council, Hearing Room One
10 Franklin Square, New Britain, Connecticut

I. Opening by Council

A. Statement read by Chair.

B. Comments by Public Official(s) (if any)

C. Motions

1. Codfish Hill Environmental Trust Request for Administrative Notice, dated July 7, 2015

D. Administrative Notice taken by Council

FEDERAL

1. OFFICE OF ENGINEERING AND TECHNOLOGY, FEDERAL COMMUNICATIONS COMMISSION, QUESTIONS AND ANSWERS ABOUT BIOLOGICAL EFFECTS AND POTENTIAL HAZARDS OF RADIOFREQUENCY ELECTROMAGNETIC FIELDS, OET BULLETIN NO. 56 (August 1999), *available at* http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf
2. OFFICE OF ENGINEERING AND TECHNOLOGY, FEDERAL COMMUNICATIONS COMMISSION, EVALUATING COMPLIANCE WITH FCC-GUIDELINES FOR HUMAN EXPOSURE TO RADIOFREQUENCY ELECTROMAGNETIC FIELDS, OET BULLETIN NO. 65 (August 1997), *available at* http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65.pdf
3. Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, Federal Communications Commission's Report and Order, 62 Fed. Reg. 3232 (September 12, 1997), *available at* <http://www.epa.gov/fedrgstr/EPA-AIR/1997/January/Day-22/ga1350.htm>
4. Telecommunications Act of 1996, as amended, Pub. L. No. 104-104, 110 Stat. 56 (codified as amended in scattered sections of 47 U.S.C.), *available at* http://clerk.house.gov/library/reference-files/PPL_TelecommunicationsAct_%201996.pdf
5. FEDERAL COMMUNICATIONS COMMISSION, WARNING, ALERT AND RESPONSE NETWORK ACT, Pub. L. No. 109-437, 120 Stat. 1936 (2006), (codified at 47 U.S.C. §332(d)(1)) (2006), *available at* <http://transition.fcc.gov/pshs/docs/emergency-information/cmas-warn-act.pdf>
6. Wireless Communications and Public Safety Act of 1999, as amended, 47 U.S.C. §§ 615-615b (2010).

7. Enhance 911 Act of 2004, as amended, 47 U.S.C. § 942 (2010).
8. Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §6409 Wireless Facilities Deployment (2012), *available at* <http://www.gpo.gov/fdsys/pkg/PLAW-112publ96/pdf/PLAW-112publ96.pdf>.
9. Actions That May Have a Significant Environmental Effect, for Which Environmental Assessments (EAs) Must be Prepared, 47 C.F.R. § 1.1307 (2010).
10. Radiofrequency Radiation Exposure Limits, 47 C.F.R. § 1.1310 (2010).
11. Presidential Proclamation No. 8460, 74 Fed. Reg. 234 (December 8, 2009), *available at* <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
12. Presidential Order No. 13616, Accelerating Broadband Infrastructure Development, 77 Fed. Reg. 119 (June 14, 2012), *available at* <http://www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-15183.pdf>
13. Division of Migratory Bird Management, United States Fish & Wildlife Service, United States Department of the Interior, *Avian Collisions at Communication Towers* (June 2009), *available at* <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>
14. Division of Migratory Bird Management, United States Fish & Wildlife Service, United States Department of the Interior, *Service Interim Guidelines, Communications Tower Siting, Construction, Operation and Decommissioning Recommendations* (last updated June 10, 2014), *available at* <http://www.fws.gov/midwest/endangered/section7/telecomguidance.html>
15. National Park Service, United States Department of the Interior, *National Register of Historic Places* (July 2010), *available at* <http://www.nps.gov/history/nr/research/index.htm>
16. FEDERAL AVIATION ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION, OBSTRUCTION MARKING AND LIGHTING, ADVISORY CIRCULAR AC70/7460-1K (February 2007), *available at* https://ocaaa.faa.gov/ocaaa/external/content/AC70_7460_1K.pdf.
17. Stephen J. Blumberg, et al, *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January – June 2010*, Division of Health Interview Statistics, National Center for Health Statistics, U.S. Center of Disease Control, December 21, 2010, *available at* <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201012.pdf>
18. FEDERAL COMMUNICATIONS COMMISSION, Public Notice – Wireless Telecommunications Bureau Offers Guidance on Interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, DA 12-2407, January 25, 2013, *available at* https://apps.fcc.gov/edocs_public/attachmatch/DA-12-2047A1.pdf
19. Connecting America: The National Broadband Plan, Federal Communications Commission (2010), *available at* <http://www.broadband.gov/plan/>.
20. FEDERAL COMMUNICATIONS COMMISSION, Text-to-911: Quick Facts & FAQs, June 2013, *available at* <http://www.fcc.gov/guides/text-911-quick-facts-faqs>.

21. FEDERAL COMMUNICATIONS COMMISSION, Wireless Infrastructure Report and Order, FCC 14-153, October 21, 2014, *available at* <http://www.fcc.gov/document/wireless-infrastructure-report-and-order>

STATE

Connecticut Siting Council

22. STATE OF CONNECTICUT SITING COUNCIL, STATEWIDE PLAN FOR WIRELESS TELECOMMUNICATIONS COVERAGE, Revised February 2014, *available at* <http://www.ct.gov/csc/lib/csc/pendingproceeds/2013telcomplan-pub.pdf>
23. STATE OF CONNECTICUT SITING COUNCIL, TELECOMMUNICATIONS FACILITIES: AN ILLUSTRATED PRIMER ON THE SITING OF FACILITIES WITHIN CONNECTICUT AND THROUGHOUT THE NATION, VERSION II, *available at* http://www.ct.gov/csc/lib/csc/csc_tower_3_07.pdf
24. STATE OF CONNECTICUT SITING COUNCIL, STATEWIDE TELECOMMUNICATIONS COVERAGE DATABASE, *available at* <http://www.ct.gov/csc/cwp/view.asp?a=895&Q=248312&cscNav=|>
25. **DOCKET NO. 432** – Feasibility study of back-up power requirements for telecommunications towers and antennas pursuant to Public Act 12-148, *available at* <http://www.ct.gov/csc/cwp/view.asp?a=962&Q=511254&PM=1>

Department of Energy and Environmental Protection

26. CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL, DEP BULLETIN 34 (May 2002, last revised September 2007), *available at* http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654
27. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, THE CONNECTICUT STORMWATER QUALITY MANUAL 2004 AND APPENDICES, *available at* http://www.ct.gov/DEP/cwp/view.asp?a=2721&q=325704&depNav_GID=1654#download
28. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, AMPHIBIANS AND REPTILES IN CONNECTICUT, DEP BULLETIN 32, Michael W. Klemens (2000), *available at* <http://ctdepstore.com/Amphibians-and-Reptiles-in-Connecticut-101.htm>
29. PLANNING AND STANDARDS DIVISION, BUREAU OF WATER MANAGEMENT, CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, WATER QUALITY STANDARDS, (Surface Water Quality Standards Effective December 17, 2002 and Ground Water Quality Standards Effective April 12, 1996), *available at* http://www.ct.gov/dep/lib/dep/water/water_quality_standards/wqs.pdf
30. CONNECTICUT AIR QUALITY STANDARDS, CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, Regs. Conn. State Agencies §§ 22a-174-24, et seq. (2006).

31. CONNECTICUT NOISE CONTROL REGULATIONS, CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, Regs. Conn. State Agencies §§22a-69-1, et seq. (2006).
32. STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC UTILITY CONTROL, Docket No. 08-06-19, DPUC Investigation into the Deployment of Distributed Antenna System (DAS) in the Public Rights of Way, September 29, 2010.
33. Letter from Elizabeth Brothers, Assistant Director, State of Connecticut Department of Environmental Protection, to Christopher B. Fisher, Esq., Attorney, Cuddy & Feder, LLP (Aug. 10, 2009), *available at* http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_376/do376-20090817-depcommentadminnotice.pdf

Department of Transportation

34. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, CONNDOT DRAINAGE MANUAL (2000, last revised December 2003), *available at* <http://www.ct.gov/dot/cwp/view.asp?a=3200&q=260116>
35. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, POLICY STATEMENT FOR TELECOMMUNICATIONS INSTALLATIONS WITHIN THE STATE HIGHWAY RIGHT OF WAY, POLICY NO. E&H.O. - 53 (Aug. 7, 2006), *available at* http://www.ct.gov/csc/lib/csc/row_ps.pdf
36. STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION TRAFFIC COUNT, Bethel area, Oct/Nov 2013 Map *available at*: <http://www.ct.gov/dot/lib/dot/documents/dpolicy/policymaps/adt/2013-12-11pdf/009adt.pdf>

Other State Agencies

37. STATE OF CONNECTICUT OFFICE OF POLICY AND MANAGEMENT, CONSERVATION AND DEVELOPMENT POLICIES PLAN FOR CONNECTICUT 2013-2018, June 5, 2013, *available at* http://www.ct.gov/opm/lib/opm/igp/org/cdupdate/2013-2018_cd_plan.pdf
38. State Plan of Conservation and Development, as amended, Conn. Gen. Stat. §§ 16a-27 to 16a-32a (2013).
39. STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, ENVIRONMENTAL AND OCCUPATIONAL HEALTH ASSESSMENT, RADIATION – CELL PHONE TOWERS AND CELL PHONES (January 2004), *available at* http://www.ct.gov/dph/LIB/dph/environmental_health/EOHA/pdf/cell_phones.pdf
40. Final Report of the Two Storm Panel, January 9, 2012, *available at* http://www.governor.ct.gov/malloy/lib/malloy/two_storm_panel_final_report.pdf.
41. DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, STATE OF CONNECTICUT STATE RESPONSE FRAMEWORK, VERSION 2.0, August 2011, *available at* http://www.ct.gov/demhs/lib/demhs/ct_srf_aug_2011.pdf

42. DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, STATE OF CONNECTICUT STATE RESPONSE FRAMEWORK, Draft Connecticut Emergency Support Function 12, All Hazards Energy and Utilities Annex, July 2012, *available at* http://www.ct.gov/demhs/lib/demhs/eppi/esf_12_all-hazards_energy_and_utilities_annex_final_draft_july_2012.pdf
43. DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, STATE OF CONNECTICUT I-CALL/I-TAC INTEROPERABILITY TRAINING PROGRAM, November 2010, *available at* http://www.ct.gov/demhs/lib/demhs/communications/projects/i-call_program_update_nov_2010.pdf
44. GOVERNOR'S STEERING COMMITTEE ON CLIMATE CHANGE, ADAPTATION SUBCOMMITTEE, Connecticut Climate Change Preparedness Plan, Adaptation Strategies for Agriculture, Infrastructure, Natural Resources and Public Health Climate Change Vulnerabilities, 2011, *available at* http://www.ct.gov/deep/lib/deep/climatechange/connecticut_climate_preparedness_plan_2011.pdf

TECHNICAL

45. INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, IEEE STANDARD FOR SAFETY LEVELS WITH RESPECT TO HUMAN EXPOSURE TO RADIO FREQUENCY ELECTROMAGNETIC FIELDS, 3 kHz to 300 GHz, IEEE Std. C95.1-2005 (November 1, 2009), *available at* [https://sbwsweb.ieee.org/ecustomercme_enu/start.swe?SWECmd=GotoView&SWEView=Catalog+View+\(eSales\)_Standards_IEEE&mem_type=Customer&SWEHo=sbwsweb.ieee.org&SWETS=1192713657](https://sbwsweb.ieee.org/ecustomercme_enu/start.swe?SWECmd=GotoView&SWEView=Catalog+View+(eSales)_Standards_IEEE&mem_type=Customer&SWEHo=sbwsweb.ieee.org&SWETS=1192713657)
46. TELECOMMUNICATIONS INDUSTRY ASSOCIATION & ELECTRONICS INDUSTRIES ASSOCIATION, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES, TIA/EIA-222-G (2006), *available at* <http://www.tiaonline.org/standards/catalog/index.cfm>
47. TELECOMMUNICATIONS INDUSTRY ASSOCIATION & ELECTRONICS INDUSTRIES ASSOCIATION, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES, TIA/EIA-222-F (1996), *available at* <http://www.preferredtower.com/codes/tia/index.html>
48. Letter from John R. Morissette, Manager of Transmission Siting and Permitting, The Connecticut Light and Power Company, to Christopher B. Fisher, Esq., Attorney, Cuddy & Feder, LLP, (Feb. 19, 2010) regarding CL&P policy on the installation of cellular and PCS antennas on electric transmission structures, *available at* http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_388/do388-20100312_supplemental_submission.pdf

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50. CISCO SYSTEMS, INC., *Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2013-2018 White Paper*, February 5, 2014, *available at*, http://www.cisco.com/c/en/us/solutions/collateral/service-provider/visual-networking-index-vni/white_paper_c11-520862.html

ENVIRONMENTAL

51. RICHARD M. DEGRAAF & DEBORAH D. RUDIS, NEW ENGLAND WILDLIFE: HABITAT, NATURAL HISTORY, AND DISTRIBUTION (University of Massachusetts Press, 1983), *available at* <http://www.treesearch.fs.fed.us/pubs/4148>
52. ARAM J.K. CALHOUN & MICHAEL W. KLEMENS, BEST DEVELOPMENT PRACTICES: CONSERVING POOL-BREEDING AMPHIBIANS IN RESIDENTIAL AND COMMERCIAL DEVELOPMENTS IN THE NORTHEASTERN UNITED STATES, MCA TECHNICAL PAPER NO. 5 (Metropolitan Conservation Alliance 2002), *available at* <http://www.umaine.edu/vernalpools/PDFs/Best%20Development%20Practices%20%20-%20%20Conserving%20Pool-breeding%20Amph.pdf>
53. Aram J.K. Calhoun, et. al., *Conserving pool-breeding amphibians in human-dominated landscapes through local implementation of Best Development Practices*, WETLANDS ECOLOGY AND MANAGEMENT, July 9, 2004 at 291, *available at* <http://www.maineaudubon.org/resource/documents/CalhounWEMpaper.pdf>

MAPS

54. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Natural Diversity Database Map for the Town of Bethel*, (last updated December 2014), *available at* <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
55. CONNECTICUT FOREST & PARK ASSOCIATION, CONNECTICUT WALK BOOK WEST (Ann T. Colson, ed., 19th ed. 2006), *available at* <http://www.ctwoodlands.org/node/17>
56. STATE OF CONNECTICUT, DEPT. OF TRANSPORTATION, CONNECTICUT OFFICIAL STATE TOURISM MAP (2007-2009), *available at* <http://www.ct.gov/dot/cwp/view.asp?A=3517&Q=417996>
57. National Audubon Society, *Connecticut Important Bird Areas* (last updated June 25, 2010), *available at* <http://netapp.audubon.org/iba/state/US-CT>
58. Mail-A-Map Street Map, (Bethel), *available at* <http://mailamap.com/street-maps>
59. United States Geological Survey, Connecticut Topographic Map Collection (Botsford & Newtown), *available at* http://magic.lib.uconn.edu/topographic_maps.html

E. State Agency comments

1. Comments from the Department of Transportation, dated April 21, 2015
2. Comments from the Department of Public Health, Drinking Water Section, dated April 21, 2015

F. Municipal comments

1. Comments from the Town of Bethel, dated April 20, 2015

II. Appearance by Applicant

Applicant: Florida Tower Partners LLC d/b/a North Atlantic Towers

Representative: Julie D. Kohler, Esq.
Rachel Schwartzman, Esq.
Cohen and Wolf, P.C.

A. Administrative Notice.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by Florida Tower Partners LLC d/b/a North Atlantic Towers, received March 19, 2015, and attachments and bulk file attachments including:

Bulk file exhibits:

- a. Town of Bethel Wetland and Watercourses Regulations, dated March 18, 2014
 - b. Town of Bethel Zoning Regulations, effective August 15, 2014
 - c. Town of Bethel Zoning Map
 - d. Town of Bethel Plan of Conservation and Development, effective October 15, 2007
 - e. Applicant's Technical Report to the Town of Bethel
2. Affidavit of Sign Posting with Photographs, received May 26, 2015
 3. Applicant's Responses to Siting Council Interrogatories, dated May 26, 2015
 4. Pre-filed Testimony of Keith Coppins, dated May 26, 2015
 5. Pre-filed Testimony of Michael Libertine, dated May 26, 2015
 6. Resumes of Witnesses:
 - a. Keith Coppins
 - b. Carlo F. Centore
 - c. Michael P. Libertine
 - d. Dean E. Gustafson
 7. Applicant's Responses to Siting Council's Request for Additional Information, dated July 7, 2015
 8. Applicant's Revised Elevation and Compound Plan for Site 1, dated July 7, 2015
 9. Applicant's Revised Elevation and Compound Plan for Site 2, dated July 7, 2015
 10. Applicant's Revised Visibility Analysis, received July 7, 2015
 11. Supplemental Pre-filed Testimony of Michael Libertine, dated July 7, 2015

C. Swear Witnesses

1. Keith Coppins, Principal/Owner, Phoenix Partnership, LLC
2. Carlo F. Centore, P.E., Centek Engineering, Inc.
3. Michael P. Libertine, Director of Siting and Permitting, All Points Technology, Inc.
4. Dean E. Gustafson, Senior Wetlands Scientist and Professional Soil Scientist, All Points Technology, Inc.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Codfish Hill Environmental Trust (Attorney Ainsworth)
3. Cellco Partnership (Attorney Baldwin)

III. Appearance by Intervenor: Codfish Hill Environmental Trust

Representative: Keith R. Ainsworth, Esq.
Evans Feldman & Ainsworth, L.L.C.

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

1. Codfish Hill Environmental Trust Request to Intervene, dated April 15, 2015
2. Pre-filed testimony of Mark and Gillean Reinders, dated April 20, 2015
3. Pre-filed testimony of Mark Reinders, dated May 12, 2015
4. Codfish Hill Environmental Trust Responses to Applicant's Interrogatories, dated May 26, 2015
5. Pre-filed testimony, received May 26, 2015:
 - a. Gordana Bogdan
 - b. Mark Reinders
 - c. Gillean Reinders
 - d. Susan White
 - e. Caryl L. Kirschbaum
 - f. Lada Bedriy
 - g. Leon Kurjiaka
6. Pre-filed testimony of Susan White, dated July 2, 2015

C. Swear Witnesses

1. Gordana Bogdan
2. Mark Reinders
3. Gillean Reinders
4. Susan White
5. Caryl L. Kirschbaum
6. Ken Parsons appearing on behalf of Lada Bedriy
7. Leon Kurjiaka

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Applicant (Attorney Kohler)
3. Cellco Partnership (Attorney Baldwin)

IV. Appearance by Intervenor: Cellco Partnership d/b/a Verizon Wireless

Representative: Kenneth C. Baldwin, Esq.
Robinson & Cole LLP

A. Administrative Notice.

B. Exhibits for Identification.

1. Cellco Partnership d/b/a Verizon Wireless Request to Intervene, dated May 14, 2015
2. Cellco Partnership d/b/a Verizon Wireless Responses to Council Interrogatories, Set I, dated May 26, 2015
3. Cellco Partnership d/b/a Verizon Wireless Responses to Council Interrogatories, Set II, dated July 7, 2015
4. Cellco Partnership d/b/a Verizon Wireless Supplemental Responses to Council Interrogatories, Set I, dated July 7, 2015

C. Swear Witnesses

1. Ryan Ulanday, Radio Frequency Design Engineer, Cellco Partnership
2. Carlo F. Centore, P.E., Centek Engineering, Inc.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Applicant (Attorney Kohler)
3. Codfish Hill Environmental Trust (Attorney Ainsworth)

V. Closing by Connecticut Siting Council.